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Rt. 12, Frederick, Md. 21701
5/21/77

SA John Hartingh, FOIA/PA Unit
FBI
J. Edgar Hoover Bldg.,
Washington, D.C. 20535

Dear John,

Jim is out of town. He will be in court as soon as he returns. Therefore I write.

In today's mail I have the May 19 letter signed by Director Kelley. It reminds me that I have heard nothing from prior appeals and that there is the same withholding. I am hoping that this can now be handled informally after Mr. Kelley's recent statement of FOIA policy. If the Bureau feels otherwise then please forward this as another formal appeal.

(b)(2) is invoked in disregard of the controlling word "solely."

(b)(5) I believe these standards are not met by the withholdings.

(b)(7) You omit the essential word of the Act with regard to (C),"clearly" before "unwarranted." With D the meaning of the Act is to make known what was not known. The first three synonyms for reveal in the new Scribners/Bantam dictionary are disclose;divulge;unveil. I have already cited many instances of what is known, the other part of the paraphrase of the Act.

In this I address only those exemptions claimed in the May 19 letter. I have already appealed other claimed exemptions, prior to your being assigned to this case. I am not waiving my earlier appeals.

Before he left Jim told me of your conversation about my complaint. I told him I am aware that your extra duties may have interfered with close supervision in this case but that unjustifiable withholdings continue. If in the end I receive replacement copies it will be enormously burdensome for me to go over them and replace with them. At my age, in my condition and with the work I want to do this is too much. The record is that what was improperly withheld more than a year ago remains withheld even after the judge ruled. I regard this also as too much and as an indication of what I should expect.

You know that I do not claim no withholdings are justified, even though this has been determined to be a historical case. I do believe, however, that by now your people should and do know better than these continued withholdings reflect.

Because of this, although I had asked Jim to just let things count at the last status call, when I hoped that with your supervision these abuses would end, I had been compelled to ask otherwise of him.

He will probably discuss this with you when he is back and has time, perhaps when he picks up the next sections. I have asked him to go back to the judge if these unjustified withholdings do not cease. With regard to proper names this is quite simple and I have made many offers of help. As a last resort someone can phone me and ask if the name John Doe means anything to me. This will disclose nothing to me and I can let your people know if I recall it and if I do, tell them about it.

By now it should be clear to you that my objectives in this do not include embarrassing the Bureau. By now you should be well aware of many opportunities to do this that I have not used. I believe it would have this effect if I take this issue back to the judge, who has already been pretty explicit on it. All I want is compliance, not hurt for anyone else. The decision will really be the Bureau's.

It should not be necessary for questions of this nature to go to the judge. But I have more than a year of what I regard as more stonewalling. Some changes are apparent. They are too few, were too slow in coming and they still fall far short of the requirements of the Act and what the judge has held.

If this involves policy questions in which you lack autonomy I hope you will raise this with those above you. I want to avoid going back to the judge if I can. If I do not now obtain what I regard as compliance I feel I have no choice.

With regard to the quality of the recent xeroxes I did not think to offer inspection to you through the Bureau's local agents. I have had no recent contact with them. There were three. The one in charge, Ronald Lichtinger, used to live near here. He and one other whose name I have forgotten know where I am. Or I am willing to take a section to them for their inspection. I have been truthful with you. These xeroxes are not only incomplete. I have having to obtain a special chemical to clean my machine because of them.

The local resident agents are under the Baltimore field office. Part of my request that is without compliance relates to pictures and other exhibits. In May of 1968 I gave SA Lichtinger copies of a sketch and picture copies of which have not been provided. It may be that these remain in Baltimore or in Frederick rather than in Headquarters files. Because of them there should be other relevant records. I tell you now that if you invoke (b)(2) I will contest it promptly.

If Jim did not have time to inform you before he left for the judicial conference to which he had been invited, I have to drive to Washington this coming Friday. I drive only when it is essential I feel it too much and for too long, more when the pollution level is up. I will be able to leave Washington about 11 a.m. I have asked Jim to meet me out on Wisconsin Avenue so that I may drive less and be out of heavier pollution as fast as possible. I will appreciate it if you can have this coming week Sections ready in time for him to be able to do this. If you cannot then I will, of course, drive down to your building for them.

When we last spoke I raised questions about the withholding of certain names. I now recall are James Rowley, Paul Bridgeman and Ralph Marjorie Fetters also allegedly. I believe that from the indexes replacing these serials is not a difficult task. If this will not be done in the near future please let me know. I have also raised questions about nothing happening for so very long after referrals to other agencies. If I cannot expect action on these serials in the near future, especially from those agencies not claiming any FOIA/PA backlog, I would like to know this also. This is an area of virtually total non-compliance.

Sincerely,

Harold Weisberg